



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/89513711378?pwd=NWh5NXVIS0pmNktYNkw1VENGZTdycz09>

Tuesday, July 5, 2022, 7:00 p.m.

The City Council meeting was called to order by Mayor/Chair Halliday at 7:00 p.m. The City Council will hold a hybrid meeting in Council Chambers and virtually via Zoom.

Pledge of Allegiance: Council Member Zermeño

Present: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday

Absent: COUNCIL MEMBER Andrews

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:15 p.m., with Council Member Andrews and Council Member Zermeño absent and no public comment, regarding two items: (1) conference with legal counsel pursuant to Government Code section 54956.9 regarding RLW, LLC v. City of Hayward, et al., U.S.D.C., N.D. CA, No. 21-cv-06767-SK; and (2) conference with legal counsel pursuant to Government Code section 54956.9 concerning Justin Nishioka v. City of Hayward, Alameda County Superior Court, Case No. RG 20078266. City Attorney Lawson reported that Item 1 was discussed, and Council provided direction to counsel but took no reportable action. Mayor Halliday reported that Item 2 was discussed, and Council provided direction but took no reportable action. The closed session adjourned at 6:40 p.m.

PUBLIC COMMENTS

Ms. Susan Gehlke, Hayward resident and Hayward Concerned Citizens member, expressed concern she could not report illegal fireworks activity through the Hayward Police Department (HPD) phone line and wondered if there were other options; and inquired about statistics on violations and citations issued.

Ms. Mary Beth Bykowsky, analyst with the California Department of Insurance, provided information on how Safer from Wildfires, an interagency partnership, works to reduce wildfire risk and invited all to seek more information at insurance.ca.gov.

Ms. TJ, Hayward Concerned Citizens member, noted illegal fireworks appeared to be concentrated in South Hayward, requested the City debrief residents on the number of complaints received by HPD and the number of citations issued, and suggested the fireworks ordinance be amended as needed based on information received.

Ms. Elena Lepe inquired about information on funding opportunities through the American Rescue Plan Funding for local restaurants and homeless individuals.

CITY MANAGER'S COMMENTS

City Manager McAdoo made two announcements: 1) City staff will summarize efforts prior to the Fourth of July, what was observed, and the effectiveness of the ordinance related to fireworks; and noted that firework violations could also be reported via Access Hayward; and 2) due to staffing challenges at the Weekes Branch Library, services will be held Tuesday through Saturday, and regular services will resume August 22, 2022.

CONSENT

1. Approve the City Council Meeting Minutes of the City Council Meeting on June 21, 2022
MIN 22-089

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously with Council Member Andrews absent, to approve the minutes of the City Council Meeting on June 21, 2022.

2. Adopt an Ordinance of the City of Hayward Adding Article 15 to Chapter 3 of the Hayward Municipal Code Relating to the Use of Military Equipment by Law Enforcement **CONS 22-429**

Staff report submitted by Police Chief Chaplin and City Clerk Lens, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the ordinance.

AYES:	COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño MAYOR Halliday
NOES:	None
ABSENT:	COUNCIL MEMBER Andrews
ABSTAIN:	None

Ordinance 22-06, "An Ordinance of the City of Hayward, California, Adding Article 15 to Chapter 3 of the Hayward Municipal Code Relating to the Use of Military Equipment by Law Enforcement"

3. Adopt an Ordinance Granting Exclusive Franchise to Waste Management of Alameda County for Solid Waste, Recyclable Materials and Organic Materials Services **CONS 22-440**

Staff report submitted by City Clerk Lens, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the ordinance.



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MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Ordinance 22-07, "An Ordinance Granting Exclusive Franchise to Waste Management of Alameda County for Solid Waste, Recyclable Materials and Organic Materials Services"

4. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute Professional Services Agreements with Consolidated Engineering Labs, Signet Testing Labs, and Apex Testing Laboratories in an Amount Not-to-Exceed \$200,000 Annually Per Firm for Three Years for On-Call Material Testing and Special Inspection Services **CONS 22-397**

Staff report submitted by Public Works Director Ameri dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-189, "Resolution Authorizing the City Manager to Negotiate and Execute Agreements with Consolidated Engineer Labs, Signet Testing Labs, and Apex Testing Laboratories in an Amount Not-to-Exceed \$200,000 Annually per Firm for Three Years for on Call Material Testing and Special Inspection Services"

5. Adopt a Resolution Authorizing the City Manager to Execute an Agreement with the Alameda County Sheriff's Office for Receipt of FY 2019 Byrne Justice Assistance Grant (JAG) funds in the Amount of \$36,891 **CONS 22-410**

Staff report submitted by Police Chief Chaplin dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-190, “Resolution Authorizing the City Manager to Execute an Agreement with the Alameda County Sheriff’s Office for Receipt of the FY 2019 Byrne Justice Assistance Grant (JAG) Funds in the Amount of \$36,891.00”

6. Adopt a Resolution Authorizing the City Manager to Appropriate \$640,000 for the SR-92/Whitesell Interchange - Project Initiation Document Project No. 05334 **CONS 22-415**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-191, “Resolution Authorizing City Manager to Appropriate a Total of \$640,000 for the SR-92/Whitesell Interchange – Project Initiation Document (PID) Project No. 05334”

7. Adopt a Resolution Approving Addendum No. 1 and Awarding a Contract to GSW Construction, Inc., for the Willimet Way & I-880 Sanitary Sewer Main Installation Project, Project No. 07717, in an Amount of \$770,218 with the Addition of \$85,000 in Administrative Change Orders and Appropriating Additional Funds in an Amount of \$543,675 **CONS 22-416**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.



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MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-192, "Resolution Approving Addendum No. 1, Awarding a Contract to GSW Construction, Inc., for the Willimet Way & I-880 Sanitary Sewer Main Installation Project, Project No. 07717, in an Amount of \$770,218 in Addition to \$85,000 in Administrative Change Orders, and Appropriating Additional Funds in an Amount of \$543,675"

8. Adopt a Resolution Approving the Final Engineer's Report and Ordering the Levy of Assessments for Fiscal Year 2023 for Old Highlands Area Road Improvement Assessment District **CONS 22-418**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-193, " Resolution Approving the Final Engineer's Report and Ordering the Levy of Assessments for Fiscal Year 2023 for the Old Highlands Area Road Improvement Assessment District"

9. Adopt a Resolution Approving the Plans and Specifications and Calling for Bids for the Water Pollution Control Facility's (WPCF) Switchgear Rehabilitation Project, Project No. 07656 **CONS 22-419**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-194, “ Resolution Approving the Plans and Specifications for the Water Pollution Control Facility’s (WPCF) Switchgear Rehabilitation Project, Project No. 07656, and Calling for Bids to Be Received by August 16, 2022”

10. Adopt a Resolution Approving the Final Map of Tract 8581, a 47 Lot Subdivision on a 5.4 Acre Site located at 1000 La Playa Drive to Allow the Construction of 47 Single Family Homes, a Common Open Space Parcel, and Related Site Improvements; Applicant/Owner: D.R. Horton Bay, Inc., Application No. 202200670 **CONS 22-424**

Staff report submitted by Development Services Director Claussen, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-195, “ Resolution Approving the Final Map of Tract 8581, Accepting the Easements Dedicated Thereon for Public Use and Authorizing the City Manager to Negotiate and Execute the Subdivision Improvement Agreement and Related Other Documents”

11. Adopt a Resolution Approving Addendum No. 1 and No. 2 and Awarding a Contract to Ranger Pipelines, Inc., for the Sewer Line Improvements Project, Project No. 07761, in the Amount of \$11,087,925 in Addition to Approving \$1,108,793 in Administrative Construction Contingency, and Appropriating Additional Funds in an Amount of \$3,067,915 **CONS 22-431**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.



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MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-196, “ Resolution Approving Addendum No. 1 and No. 2, Awarding a Contract to Ranger Pipelines, Inc., for the Sewer Line Improvements Project, Project No. 07761, in the Amount of \$11,087,925 and Approving \$1,108,793 in Administrative Construction Contingency, and Appropriating Additional Funds in an Amount of \$3,067,915”

12. Adopt a Resolution Authorizing the Single Source Agreement with Western Energy Systems for Services to the Cogeneration Engine System at the Water Pollution Control Facility (WPCF) in an Amount Not-to-Exceed \$507,710 Plus Administrative Change Orders in the Amount of Ten Percent of the Contract Price for a Total of \$558,500 **CONS 22-433**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-197, “ Resolution Authorizing the Single Source Agreement with Western Energy Systems for Services to the Jenbacher Cogeneration Engine for the Water Pollution Control Facility (WPCF) Cogeneration System in an Amount Not-to-Exceed \$507,710 Plus Administrative Change Orders in an Amount Equal to Ten Percent of the Contract”

13. Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Applied Pavement Technology, Inc., to Provide Consulting Engineering Services for the Airport Pavement Management Program (PMP) Update at Hayward Executive Airport Project in an Amount of \$227,000 **CONS 22-434**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-198, “Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Applied Pavement Technology, Inc., for the Airport Pavement Management Program Update at the Hayward Executive Airport”

14. Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Brown and Caldwell for the Preliminary Design Services for the Water Pollution Control Facility (WPCF) Improvements Phase II Project, Project No. 07760, in an Amount Not-to-Exceed \$3,849,711 **CONS 22-436**

Staff report submitted by Public Works Director Ameri dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-199, “Resolution Authorizing the City Manager to Execute an Agreement with Brown and Caldwell, in an Amount Not-to-Exceed \$3,849,711 for the Preliminary Design Services for the Water Pollution Control Facility (WPCF) Improvements Phase II Project, Project No. 07760”

15. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$313,375 from Bunker Hill by Trumark Homes, LLC to the La Vista Park Project, Project No. 06914 **CONS 22-437**

Staff report submitted by Public Works Director Ameri, dated July 5, 2022, was filed.



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It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-200, “Resolution Authorizing the City Manager to Accept and Appropriate \$313,375 from Bunker Hill by Trumark Homes, LLC. to the La Vista Park Project, Project No. 06914”

16. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Extension to the Master Agreement and Lease with the Hayward Area Recreation and Park District for Operations and Maintenance of City Lands through October 15, 2022 **CONS 22-438**

Staff report submitted by Assistant City Manager Youngblood, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-201, “Resolution Authorizing the City Manager to Negotiate and Execute an Extension to the Master Agreement and Lease with the Hayward Area Recreation and Park District for Operations and Maintenance of City Lands Through October 15, 2022”

17. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Kitchell for Construction Management for the Stack Center in an Amount Not-to-Exceed \$520,000 **CONS 22-443**

Staff report submitted by Acting Assistant City Manager Claussen, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-202, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Kitchell for Construction Management Services for Phase 1 Construction of the South Hayward Youth & Family Center Project, Not-to-Exceed \$520,000”

18. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$210,000 in Awarded Grant Funding from the State of California Office of Traffic Safety for Use by the Hayward Police Department **CONS 22-444**

Staff report submitted by Police Chief Chaplin, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-203, “ Resolution Authorizing the City Manager to Accept and Appropriate \$210,000 in Grant Funding from the California Office of Traffic Safety for Use by the Hayward Police Department”

19. Adopt a Resolution Authorizing the City Manager to Execute a Memorandum of Understanding (MOU) Between the City of Hayward and Tiburcio Vasquez Health Center (TVHC) for a Lease to Operate the Firehouse Clinic (FHC) and to Appropriate the Rent from TVHC to CIP Project FD010 for Building Maintenance, Upgrades, and Improvements in Service Delivery **CONS 22-449**

Staff report submitted by Fire Chief Contreras, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.



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MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-204, “Adopt a Resolution Authorizing the City Manager to Execute an Agreement Between the City of Hayward and Tiburcio Vasquez Health Center for the Operation of a Firehouse Clinic at 28300 Huntwood Ave., South Hayward”

20. Adopt a Resolution Authorizing the Hayward Police Department to Enter into A Five-Year Agreement with Axon Enterprises, Inc. For the Purchase of Axon Fleet Vehicle Dash Cameras with Automated License Plate Reading Technology **CONS 22-429**

Staff report submitted by Chief Police Chaplin, dated July 5, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-205, “Resolution Authorizing the Hayward Police Department to Enter into a Five-Year Agreement with Axon Enterprises, Inc. for the Purchase of Axon Fleet Vehicle Dash Cameras with Automated License Plate Reading Technology”

LEGISLATIVE BUSINESS

21. City of Hayward Homelessness Update: 1) Receive Results of 2022 Point-in-Time Count Results; 2) Receive an Update on City of Hayward Homelessness Efforts; 3) Adopt Resolutions for FY2023 Homelessness Related Professional Services Agreements (Continued from June 28, 2022) **LB 22-018**

Staff report submitted by Acting Assistant City Manager Claussen, dated July 5, 2022, was filed.

City Manager McAdoo introduced Management Analyst II Lobedan and Management Analyst II Cole-Bloom who provided a synopsis of the staff report which included: results of the 2022 Homeless Point in Time Count, update on Let's House Hayward! Reduction Strategic Plan; update on the Winter Warming Shelter expansion and Day Resource Center; and updates on the Hayward Navigation Center and Hotel Annex.

Discussion ensued among members of the City Council and City staff regarding: the City's collaboration with Bay Area Community Services (BACS) and South Hayward Parish regarding referrals for the Hayward Navigation Center; staff's participation in countywide and regional discussions regarding planning and allocation of resources; staff's work with a consultant to perform an initial assessment of implementing a safe parking program; current process to obtain information on the Hayward Navigation Center and how to qualify for service; data available on individuals opting out of resources provided via the Hayward Navigation Center; data of participants entering the program and information on where individuals were moving to and privacy rights; conversations with BACS on how to continue funding for services; Home Together 2026 Countywide Plan responsibilities among cities and counties and prioritization of services at the city level to ensure continuity of care; importance of holding organizations accountable and ensuring that Hayward residents were being served; and job programs for unhoused individuals.

Mayor Halliday opened the public hearing at 7:53 p.m.

Ms. Ro Aguilar, Hayward resident, supported the Hotel Annex program which provided independence, stability, privacy, and safety; and suggested the City study the cost of leasing a hotel long term.

Ms. Elena Lepe stated that homelessness numbers seemed to be concentrated in certain areas, wanted to see projections for 2023, and asked what outreach programs were available for families.

Mr. Warren Cushman, Alameda County Mental Health Advisory Board member, spoke about the correlation between mental health and homelessness; shared his personal experience; noted there may be opportunities for the City to procure mental health funds at the County and State levels; pointed out the challenges of individuals who have physical disabilities to receive services from shelters, and stressed the importance of cities in Alameda County to work together.

Mr. Tom Ferreira, Hayward resident and Hayward Concerned Citizens member, commented that other cities should also assist in providing services to address homelessness, and urged the City to focus on efforts to increase affordable housing and eliminate in-lieu fees.

Mayor Halliday closed the public hearing at 8:05 p.m.

Members of the City Council commended City staff and the Homelessness-Housing Task Force for their efforts addressing housing needs.



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Council Member Lamnin appreciated the dedication to reduce homelessness, appreciated the contribution of \$82,000 by the Hayward Rotary Club for the purchase of a trailer for the Hayward Navigation Center, and hoped that other local shelter programs share data in future reports to achieve a more accurate reporting of homelessness in the city. Council Member Lamnin made a motion to approve staff's recommendation.

Council Member Wahab seconded the motion; recommended that, as the City enters into housing agreements, it should have authority over operations such as presence of onsite security; requested more data be shared by providers of housing services, including substance abuse and mental health services with some elements that can remain private, to hold providers accountable and ensure success of the programs; and emphasized prioritizing the senior homeless population as it is expected to triple in the next decade.

Council Member Márquez commended Council Member Lamnin for leading the efforts on the City Council related to addressing homelessness in the city, commended staff for collaborating with surrounding cities on a regional issue, stated that an emphasis needs to be placed with state and federal lobbyists to identify revenue streams coupled with county commitments, and underscored the City set a good blueprint for the region and hoped that more cities will get on board to provide services similar to Hayward.

Mayor Halliday noted that cities were striving to improve services for the homeless population and efforts were being made to have better dialogue and cooperation from the county to meet the needs related to mental health and substance abuse treatment; added that being homeless also exacerbated physical disabilities; and was optimistic that more efforts were being placed in Hayward to address these issues.

It was moved by Council Member Lamnin, seconded by Council Member Wahab, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Andrews
ABSTAIN: None

Resolution 22-206, "Resolution Authorizing the City Manager to Amend the Professional Services Agreement with First Presbyterian Church of Hayward to Increase the Winter Warming Shelter at South Hayward Parish Contract Amount by \$405,686 for an Amount Not to Exceed \$2,050,000"

Resolution 22-207, “Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Bay Area Community Services (BACS) for Fiscal Year 2022-2023 Hayward Navigation Center Operations for an Amount Not-to-Exceed \$2,465,604”

Resolution 22-208, “Resolution Authorizing the City Manager to Amend the Professional Services Agreement with Bay Area Community Services to Increase the Hayward Navigation Center Annex Contract Amount by \$628,975 for an Amount Not to Exceed \$1,838,365 and Extend Services through January 31, 2023”

WORK SESSION

22. Housing Element: Work Session on the Housing Resources, Inventory and Housing Plan of the 2023-2031 Housing Element **WS 22-027**

Staff report submitted by Acting Assistant City Manager/Acting Development Services Director Claussen, dated July 5, 2022, was filed.

City Manager McAdoo introduced Principal Planner Schmidt who provided a synopsis of the staff report.

Mayor Halliday opened the public comment section at 8:42 p.m.

Mr. Kenneth Do, Nor Cal Carpenters Local Union 713 field representative, noted that before approval of the Housing Element, there needs to be a commitment to apprenticeship programs, livable wages, medical and retirement benefits; and urged the Council to adopt these labor standards as requirements for the Housing Element.

Ms. Ro Aguilar emphasized the importance to state a goal in the Housing Element to provide housing opportunities for lower income individuals and enable them to become homeowners, build wealth, and join the middle class; stressed that increasing inclusionary affordable housing was a way to accomplish the goal; and advised against leaving decisions up to developers.

Mr. Warren Cushman stated that the affordable housing goal in the Housing Element was important to persons with disabilities; shared that people with disabilities live in high/low density areas, use public transportation, and need pedestrian access; and expressed the importance of an equity lens approach to housing needs.

Ms. Elena Lepe, with El Puente Comunitario, underscored the importance of housing for low-income, persons with disabilities and the elderly; urged the City to be mindful of eviction upon the sale of a property; and asked the City to listen to the community’s needs and provide inclusionary housing options.



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Mayor Halliday closed the public comment period at 8:51 p.m.

Discussion ensued among members of the City Council, City staff, and Mr. Jason Montague with Rincon Consultants regarding: criteria for identifying inventory sites such as size, density, structure age, improvement to land value ratio and GIS analysis; policy of project labor agreements and hiring local; the Inclusionary Housing Ordinance; factors involved in the production of housing such as zoning designations, construction costs, and residual land value; Accessory Dwelling Unit (ADU) income analysis for the Association of Bay Area Governments (ABAG) region; policies related to homeownership under Goal 2 to assist in the development of affordable housing; preservation of at risk of conversion from affordable to market rate housing; and vacant site in front of Chabot College.

Members of the City Council commended staff for the extensive outreach related to updates to the proposed Housing Element.

Council Member Salinas cautioned staff to not take away economic development catalyst opportunities while identifying potential housing sites; was concerned about incrementally encroaching on space with mixed use; asked staff to analyze including specific language in the Housing Element regarding the policy of project labor agreements; urged staff to work with CSUEB and Chabot College in exploring housing opportunities and partnering them with creative housing solutions for students; and appreciated the extensive and deliberate community engagement done by staff.

Council Member Márquez thanked staff for the comprehensive engagement efforts; expressed sites had been identified in the past with Regional Housing Need Allocation (RHNA) projections, but projects had not yet been developed; urged staff to be creative in increasing density near public transportation; asked staff to report on how many Hayward residents qualified for Measure A1 Housing Bond and the Down Payment Assistance program; and asked if American Rescue Plan Act (ARPA) and other funding mechanisms were being tracked and applied towards increasing homeownership.

Council Member Wahab asked staff to research the potential to include project labor agreements in housing projects and consider incorporating language about livable wages or local hire; had concerns that the AMI (average median income) for families in Hayward was significantly lower than the AMI for Alameda County and individuals who have a greater AMI were still unable to purchase a home; stressed the importance of prioritizing homeownership and providing housing units that were of appropriate and dignified size; suggested the criteria for the Minor Home Repair program also include safety improvements such as the installation of beams to support earthquake-resistant buildings; was concerned about rental monopolies and evictions; hoped that plans for ADUs could be expedited; requested a report on the number of complaints from tenants, complaints from tenants' rights groups, and evictions; and stressed the importance of adequate parking and developments that are environmentally

friendly.

Council Member Lamnin appreciated the community and City Council input reflected in the draft documents, and dedicated outreach conducted; acknowledged the progress being made for the creation of affordable housing; underscored the importance of protecting industrial/commercial sites; inquired if Economic Development anticipated any auto use for the former Hayward Chevrolet site; and noted her questions were already addressed via the Agenda Questions and Answers Log.

Mayor Halliday emphasized that Hayward has been proactively building housing for various income levels but the challenge has been the lack of funding for affordable housing and homeownership opportunities; emphasized the City's role was to zone for housing and work with developers to permit housing; hoped that when reparation discussions occur, the state provide funding to compensate for some of the inequities; noted that housing needs neighborhood-serving commercial development and transportation options; mentioned that Southland Mall could incorporate housing units similar to the Santana Row model with housing over commercial; and noted there were challenges with the availability of water supply which pits environmental concerns with urban demands for water supply and recommended this be addressed in the Housing Element; and was proud of residents who advocated for diverse housing types.

PUBLIC HEARING

23. LLAD 96-1 Assessment Hearing: Adopt a Resolution to Approve the Final Engineer's Report, Reconfirm Maximum Base Assessment Amounts, Confirm the Assessment Diagrams and Fiscal Assessments, Order the Levy and Collection of Fiscal Assessments; and Adopt a Resolution to Approve Funding Recommendations and Appropriate Special Revenue Funds for Consolidated Landscaping and Lighting Assessment District (LLAD) No. 96-1, Zones 1 through 18, for Fiscal Year 2023 **PH 22-040**

Staff report submitted by Maintenance Services Director, Rullman, dated July 5, 2022, was filed.

Maintenance Services Director Rullman announced the report and introduced Mr. Kyle Tankard with SCI Consulting Group who provided an overview of the three public hearings consisting of: 1) Landscaping and Lighting Assessment District (LLAD) No. 96-1, Zones 1 through 18; 2) Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane; and 3) Maintenance District No. 2 - Eden Shores Storm Water Buffer and Facilities.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:53 p.m.

Council Member Salinas made a motion and Council Member Lamnin seconded the motion. The motion included an amendment to the FY 2023 assessment amount for LLAD Zone 14 (Fund 282) from \$704.16 to \$638.65.



CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
Council Chamber and Virtual Platform (Zoom)
<https://hayward.zoom.us/j/89513711378?pwd=NWh5NXVIS0pmNktYNkw1VENGZTdycz09>
Tuesday, July 5, 2022, 7:00 p.m.

It was moved by Council Member Salinas, seconded by Council Member Lamnin with an amendment to change the assessment amount for Zone 14 from \$704.16 to \$683.65. The motion carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBERS Andrews, Zermeño
ABSTAIN: None

Resolution 22-209, “ Resolution Approving the Final Engineer’s Report, Reconfirming Maximum Base Assessments, Confirming the Assessment Diagrams and Fiscal Assessments, and Ordering Levy and Collection of Fiscal Assessments for Fiscal Year 2023 for the Landscaping and Lighting Assessment District No. 96-1, Zones 1-18”

Resolution 22-210, “ Resolution Approving Funding Recommendations and Appropriating Special Revenue Funds for Consolidated Landscaping and Lighting Assessment District No. 96-1, Zones 1 Through 18 for Fiscal Year 2023”

Council Member Zermeño was participating in the meeting via the Zoom platform and his connection dropped during the public hearing.

24. Maintenance District No. 1 Public Hearing: Adopt a Resolution to Approve the Final Engineer's Report, Confirm the Maximum Base Assessment Rate, Confirm the Fiscal Assessment Rate, Confirm the Assessment Diagram, Order the Levy and Collection of Fiscal Assessment; and Adopt a Resolution to Approve Funding Recommendations and Appropriate Revenue and Expenditure Budgets for Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane, for Fiscal Year 2023 **PH 22-041**

Staff report submitted by Maintenance Services Director Rullman, dated July 5, 2022, was filed.

Mr. Kyle Tankard with SCI Consulting Group provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:58 p.m.

Council Member Salinas made a motion and Council Member Márquez seconded the motion.

Mayor Halliday expressed frustration at the rejection of an increased assessment and inclusion of an annual inflation factor via the Proposition 218 Election in 2021 and underscored this has placed the district in debt to the County which was a significant amount.

It was moved by Council Member Salinas, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the resolutions.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBERS Andrews, Zermeño
ABSTAIN: None

Resolution 22-211, “Resolution Approving the Engineer’s Report, Reconfirming Maximum Base Assessment Rate, Confirming the Assessment Diagram and Fiscal Assessment, and Ordering Levy and Collection of Fiscal Assessments for Fiscal Year 2023 for Maintenance District No. 1: Storm Drainage Pumping Station and Storm Drain - Pacheco Way, Stratford Road, and Ruus Lane”

Resolution 22-212, “Resolution Approving Funding Recommendations and Appropriating the Special Revenue Funds for Maintenance District No. 1 For Fiscal Year 2023

25. Maintenance District No. 2 Public Hearing: Adopt a Resolution to Approve the Final Engineer's Report, Confirm the Maximum Base Assessment Rate, Confirm the Fiscal Assessment Rate, Confirm the Assessment Diagram, Order the Levy and Collection of Fiscal Assessment; and Adopt a Resolution to Approve Funding Recommendations and Appropriate Revenue and Expenditure Budgets for Maintenance District No. 2 – Eden Shores Storm Water Buffer and Facilities, for Fiscal Year 2023 **PH 22-042**

Staff report submitted by Maintenance Services Director, Rullman, dated July 5, 2022, was filed.

Mr. Kyle Tankard with SCI Consulting Group provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 10:03 p.m.

It was moved by Council Member Salinas, seconded by Mayor Halliday, and carried by the following roll call vote, to approve the resolutions.



CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
Council Chamber and Virtual Platform (Zoom)
<https://hayward.zoom.us/j/89513711378?pwd=NWh5NXVIS0pmNktYNkw1VENGZTdycz09>
Tuesday, July 5, 2022, 7:00 p.m.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBERS Andrews, Zermeño
ABSTAIN: None

Resolution 22-213, “Resolution Approving the Final Engineer’s Report, Confirming Maximum Base Assessment Amount, Confirming the Fiscal Assessment Rate, Confirming the Assessment Diagram, and Ordering the Levy and Collection of the Fiscal Assessment for Fiscal Year 2023 for Maintenance District No. 2: Eden Shores Water Buffer Zone and Pre-Treatment Pond”

Resolution 22-214, “Resolution Approving Funding Recommendations and Appropriating the Special Revenue Funds for Maintenance District No. 2 for Fiscal Year 2023

LEGISLATIVE BUSINESS

26. Cal Cities 2022 Annual Conference: Adopt a Resolution Designating Voting Delegates and Alternates for the Annual Conference Scheduled for September 7-9, 2022 (Report from City Clerk Lens) **LB 22-019**

Staff report submitted by City Clerk Lens, dated July 5, 2022, was filed.

City Clerk Lens provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 10:09 p.m.

Council Member Salinas nominated Mayor Halliday as the voting delegate to the Cal Cities Annual Conference.

Council Member Lamnin seconded the motion with an amendment to nominate Council Member Salinas as the alternate delegate to the Cal Cities Annual Conference.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Lamnin, Márquez, Salinas, Wahab
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBERS Andrews, Zermeño
ABSTAIN: None

Resolution 22-215, "Resolution Designating a Voting Delegate and an Alternate Voting Delegate as Hayward's Representatives to the Cal Cities 2022 Annual Conference"

COUNCIL REPORTS AND ANNOUNCEMENTS

Mayor Halliday noted that a special City Council meeting was scheduled to be held on July 12, 2022 to conduct annual interviews and select members for service on City Commissions and the Keep Hayward Clean and Green Task Force; and noted the City Council will be in summer recess until September 20, 2022 but will hold two special meetings in August and September to pass resolutions to allow City Council, Committees, Commissions, and Task Forces to hold continued teleconferenced public meetings pursuant to AB 361.

Council Member Wahab requested that City Manager McAdoo provide updated COVID-19 statistics, commenting that COVID-19 cases were spiking once again and that public health announcements and information on testing centers should continue to be shared with the public via social media platforms.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the special City Council meeting at 10:14 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward